

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

MAY 12 2020

MITCHELL R. ELFERS
 CLERK

United States of America

v.

Sergio ARIAS
 Year of Birth: 1973

Case No. 20mj1094

 Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/13/2015 - 10/10/2018 in the county of Bernalillo in the
 _____ District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252A(a)(4)	Attempted Distribution of Child Pornography (February 13, 2015)
18 U.S.C. § 2252A(a)(5)(B)	Possession of Child Pornography (April 8, 2015)
18 U.S.C. § 2252A(a)(4)	Receipt of Child Pornography (September 21, 2017)
18 U.S.C. § 2252A(a)(5)(B)	Possession of Child Pornography (October 10, 2018)

This criminal complaint is based on these facts:

See attached Affidavit, which has been reviewed by AUSA Sarah Mease.

☒ Continued on the attached sheet.



 Complainant's signature

Tyler Sullivan, Special Agent

 Printed name and title

Sworn to before me and signed in my presence.
 By telephone - JHR

Date: May 12, 2020



 Judge's signature

City and state: Albuquerque, New Mexico

Honorable Jerry H. Ritter, U.S. Magistrate Judge

 Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT FOR
SERGIO ARIAS**

I, Tyler Lawrence Sullivan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I make this affidavit in support of the arrest of Sergio Arias (year of birth 1973,) (hereafter "ARIAS"), for violations of 18 U.S.C. § 2252A(a)(4), Attempted Distribution of Child Pornography; 18 U.S.C. § 2252A(a)(4), Receipt of Child Pornography; and 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography.

2. I have been a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") since November 2017 and am currently assigned to the Albuquerque, New Mexico office. While employed by HSI, I have conducted criminal investigations for violations of federal laws including, but not limited to, high technology or cybercrime, child exploitation, and child pornography. I have gained experience through completing the Criminal Investigator Training Program and HSI Special Agent Training at the Federal Law Enforcement Training Center located in Glynco, Georgia, and through everyday work conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have observed and reviewed examples of child pornography (as defined in 18 U.S.C. § 2256) in various forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2252A, and I am authorized by law to request a search warrant.

3. The statements contained in this affidavit are based upon my investigation, training and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning

this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against ARIAS, for violations of 18 U.S.C. §§ 2252A(a)(4) and 2252A(a)(5)(B).

LEGAL DEFINITIONS

4. The following terms are relevant to this affidavit in support of this application for an arrest warrant:

a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct. See 18 U.S.C. §§ 2252 and 2256(2), (8).

b. *Minor*: The term “minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).

c. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. See 18 U.S.C. § 2256(2).

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

I. State Investigation (2015)

5. On March 11, 2015, the New Mexico Attorney General’s Office (NMAGO) notified the Bernalillo County Sheriff’s Office (BCSO) that the National Center for Missing and Exploited Children (NCMEC) received CyberTipline Report #3867680 from GoDaddy.com. Review of the CyberTip by BCSO revealed that a GoDaddy.com user by the name of Sergio Arias, with email address “arias73@gmail.com” and a billing address of 10517 Sierra Bonita NE

Albuquerque NM 87111, uploaded a series of files that were found to be child pornography to the domain "FFUPIMIF.COM." According to the CyberTip, this event occurred on February 13, 2015.

6. A sampling of the screen captured web pages uploaded to GoDaddy.com is more fully described as follows:

- a. arsg.fupimif.com.pdf – a screen captured webpage containing multiple images involving the sexual exploitation of children, including an image depicting a prepubescent female, approximately 10-12 years of age being penetrated by an adult penis.
- b. brdg.fupimif.com.pdf – a screen captured webpage containing multiple images involving the sexual exploitation of children, including an image of a prepubescent female, approximately 8-10 years of age, performing oral sex on an adult male.
- c. cjrd.fupimif.com.pdf – a screen captured webpage containing multiple images involving the sexual exploitation of children, including an image depicting a prepubescent female, approximately 5-7 years of age, performing oral sex on an adult male.
- d. drdg.fupimif.com.pdf – a screen captured webpage containing multiple images involving the sexual exploitation of children, including an image depicting a prepubescent female, approximately 3-5 years of age, being penetrated by an adult penis.

7. Based on this information, I believe there is probable cause to believe that ARIAS committed the offense of Attempted Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(4), on February 13, 2015.

8. On April 8, 2015, BCSO executed a residential search warrant at 10517 Sierra Bonita NE in Albuquerque. ARIAS was present during execution of the warrant. Several electronic devices were seized pursuant to the warrant.

9. A later forensic examination of the seized devices revealed material containing child pornography. More specifically, the following is an approximation of the amount of child pornography located on the various seized devices:

- a. HP Laptop: 45 images of child pornography;
- b. Toshiba laptop: 21 images of child pornography; and
- c. Dell desktop computer: 15 images of child pornography.

10. One of the images located on ARIAS's Toshiba laptop, set as the desktop background, is described by the forensic examiner as follows: A LS Magazine image (watermark visible), which is a known child pornography site/distributor. The image depicts two females. One of the girls is on her hands and knees facing away from the camera. She is clothed above the waist, but naked from the waist down. The girl is posed in such a way that her legs are open, and her labia, vagina and anus are visible. There is no visible pubic development. The second girl in the image is on the side of the exposed girl and hugging her around the waist with her eyes closed. The second girl appears to be around 10 years old.

11. Based on this information, I believe there is probable cause to believe that ARIAS committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), on April 8, 2015.

II. Federal Investigation (2017-2018)

12. In March 2012, HSI Phoenix initiated an investigation into a password-protected, fee-based website, identified herein as "Website M."¹ through a consensual account takeover of a

¹ Law enforcement knows the actual name of Website M. However, the investigation into users of Website M remains ongoing, and public disclosure of Website M's actual name would potentially alert its members to the investigation, likely provoking members to notify other members of the investigation, to flee, and/or to destroy evidence. Accordingly, to preserve the confidentiality and integrity of the ongoing investigation, the actual name and other identifying details of Website M remain undisclosed in this affidavit.

former user. Website M advertises files of child pornography for purchase. After selecting an archive file for purchase, the member pays for the password to access the file via credit card through a United States based payment processor.² Website M then automatically sends an email to the member with the encryption password for the archive. The member must first download the archive file to a digital device and enter that password to obtain the content.

13. HSI agents investigated the link between the payment processor and Website M. On July 31, 2017, a federal magistrate in the District of Arizona signed a search warrant for the electronic data in the possession of the payment processor related to their business transactions with and on behalf of Website M. On August 11, 2017, the payment processor provided all the transactions the company processed on behalf of Website M.

14. In September 2017, HSI analyzed the payment processor records and identified individuals who made purchases from Website M. The payment processor records indicate that ARIAS made one purchase from Website M on September 21, 2017. According to the payment processor records, the email address to which it sent the auto-generated receipts and passwords for purchases made by ARIAS on Website M was "sdarias73@gmail.com."

15. Based upon the payment processor records, HSI identified the following purchase ARIAS made on September 21, 2017, via the payment processor from Website M along with identifying information. The purchased file is a folder containing numerous video and image files.

Date	File Purchased	First Name	Last Name	Phone	Email	Address
9/21/17	PERL SCRIPT 207	Sergio	Arias	(505)604-8466	Sdarias73@gmail.com	10517 Sierra Bonita NE, Albuquerque, NM 87111

² Law enforcement knows the actual name of the United States based payment processor. However, the investigation remains ongoing and public disclosure of the processor's actual name would potentially jeopardize the investigation.

16. Through later investigation of a server from Website M, a forensic agent located member username "sdarias73" with activity on Website M ranging from February 12, 2016, and March 4, 2018.

17. Investigation agents confirmed ARIAS' purchase on September 21, 2017, which was for an archive file with the billing code "PERL SCRIPT 207." I reviewed the material contained in the folder titled "PERL SCRIPT 207." The folder contained the following material depicting minors engaged in sexually explicit conduct:

a. "m207-1(Casey HC-4 Mast)" – a 32-minute color video depicting the same pre-pubescent female. The child is dressed in a white shirt and black skirt with pantyhose in the beginning of the video. Around 7 minutes into the video, the girl begins to undress until she is fully nude. The video then depicts the following acts: an extreme close-up of the girl's genitalia, the girl rubbing her genitals with her fingers and digitally penetrating herself, and the girl spreading her genitals with her fingers. The girl also uses her fingers to expose her anus, and the camera zooms in for an extreme close-up of this activity.

22. Based on this information, I believe there is probable cause to believe that ARIAS committed the offense of Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(4), on September 21, 2017.

23. Following this investigation by HSI Phoenix, HSI Albuquerque obtained a federal search warrant for the residence of ARIAS, 10517 Sierra Bonita Ave. NE, in Albuquerque. This search warrant was executed on October 10, 2018. During the execution of this search warrant, electronic devices, and storage media devices were seized for forensic examination.

24. A later forensic examination of the seized devices, completed in February 2020, revealed material containing child pornography. More specifically, the following is an approximation of the amount of child pornography and other corroborating evidence located on the various seized devices:

a. Loose SD cards: 1,311 child pornography images, 403 child pornography videos;

- b. Loose thumb drives: 2,164 child pornography images, 327 child pornography videos;
- c. LG Stylus 3 cell phone: user account sdarias@gmail.com;
- d. LG Stylus 3 cell phone w/ SD card: 3 child pornography images, user account sdarias@gmail.com;
- e. LG K3 cell phone: child pornography internet history artifacts; and
- f. Seagate External USB: 393 child pornography images, 44 child pornography videos

The forensic examination also recovered content contained in "PERL SCRIPT 207" purchase.

25. One of the images located on one of ARIAS' SD Cards is more fully described as: 1500.jpg – An image depicting a prepubescent child licking an erect adult penis.


26. Based on this information, I believe there is probable cause to believe that ARIAS committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), on October 10, 2018.

CONCLUSION

27. In summary, based on the above information, I believe there is probable cause to believe ARIAS committed violations of: 18 U.S.C. § 2252A(a)(4), Attempted Distribution of Child Pornography on February 13, 2015; 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography, on April 8, 2015; 18 U.S.C. § 2252A(a)(4), Receipt of Child Pornography, on September 21, 2017; and 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography, on October 10, 2018, in the District of New Mexico.

28. This affidavit has been reviewed by Assistant United States Attorney Sarah Mease.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Tyler Lawrence Sullivan
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me

this 12 day of May, 2020:


UNITED STATES MAGISTRATE JUDGE
Albuquerque, New Mexico